

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ZCAP EQUITY FUND LLC and ROSS
MARCHETTA, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

LUXURBAN HOTELS INC., BRIAN
FERDINAND, and SHANOOP KOTHARI,

Defendants.

Case No.: 1:24-cv-01030-PAE

**NOTICE OF DEFENDANTS' MOTION TO DISMISS
THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, the accompanying Request for Judicial Notice, Declaration of Douglas W. Greene, dated December 20, 2024, and Exhibits 1-28 thereto, and all prior proceedings, pleadings, and filings in this Action, Defendants LuxUrban Hotels Inc., Brian Ferdinand, and Shanoop Kothari (collectively, "Defendants"), through their counsel Baker & Hostetler LLP, will respectfully move this Court before the Honorable Paul A. Engelmayer, United States District Judge, at a time to be determined by the Court, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act of 1995, dismissing Plaintiffs' Amended Complaint (Dkt. #30) in its entirety with prejudice and granting such other relief as the Court may deem just and proper.

Dated: December 20, 2024

Respectfully submitted,

BAKER & HOSTETLER LLP

By: /s/ Douglas W. Greene
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